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7 June 1978
OLC: 78-2227

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MEMORANDUM FOR: Chief, Legislation Staff

FROM:

[Redacted]

Assistant Legislative Counsel

SUBJECT: Notes on Charter Legislation "Strategy" (U)

1. (U/IUO) I have had the opportunity to look at the following:

- S. 2525.
- Central Intelligence Agency Positions on S. 2525 (OLC, 2 March 1978).
- Legislative Strategy for the Intelligence Charter Legislation (OLC, 24 March 1978).
- Compilation of Intelligence Community Comments Regarding S. 2525 (OGC, 17 April 1978).
- Preliminary Section-by-Section Analysis of Title IV, S. 2525 (OGC, 11 May 1978).

My understanding is that the Special Coordination Committee (SSC) of the National Security Council has determined what the Administration position will be on a number of key issues in Title IV, but that no such determination has yet been made with regard to Title I.

2. (U/IUO) Your legislative strategy does an outstanding job of laying the groundwork for planning specific approaches on behalf of Administration positions. It should also be useful in the process of formulating these positions so that they are attuned to political realities.

3. (U/IUO) At this point, it seems to me that there are a number of broad "strategic" questions on charter legislation that need to be answered:

- Do we want to surface an alternative Intelligence Community or Administration bill? Or, do we want the battleground to be confined to the four corners of S. 2525?
- Should the Administration be urged to attempt to link the issue of intelligence charter legislation to the President's broader concerns over restrictions and inhibitions on Executive prerogatives in foreign affairs?

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- Should the DCI confine his participation in charter legislation to Congressional hearings on the bill? Or, should he take the offensive in public speeches and pre-emptive action?
- How can we best seize the opportunities that charter legislation offers to streamline Congressional oversight, stem the proliferation of access to sensitive information, and obtain enforcement authority for the protection of sources and methods?
- What are the respective responsibilities of OGC and OLC with regard to interaction with Congressional Members and staff on charter legislation?

4. (U/IUO) My own views are that OGC should produce an alternative bill for presentation and public release by the DCI when he testifies before the Senate Select Committee on Intelligence on S. 2525. This bill should be accompanied by an analysis of where, how, and why it differs from S. 2525, but it should not be closely modeled after the SSCI bill in format, order of presentation, etc. Our strategy should be to focus the debate on key issues and to drastically change the shape of S. 2525 when it is reintroduced next year. I think we need an Administration strategy which recognizes that clandestine intelligence collection and covert action are key factors in the President's ability to act in rapidly changing circumstances, and that restrictions and reporting requirements that impede timely collection or covert action also adversely affect the President's capacity to act. I think the DCI should "go public" on charter legislation. His message should be that oversight and accountability are important, but that the Agency must not be deprived of the ability to accomplish its missions. Any such campaign should, of course, be carefully thought out and coordinated with the White House.

5. (U/IUO) It seems to me that these kinds of "strategic" questions should be addressed sooner rather than later. We can certainly proceed with individual tactical analysis and initiatives, but to ignore the broader political context could prove fatal. I realize that neither of us is in a position to resolve any of the questions posed in Paragraph 3, but I do think we should try to insure that they are raised in appropriate quarters.

SIGNED

[Redacted Signature Box]

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